

DANIEL J. BERGESON, Bar No. 105439
dbergeson@be-law.com
JOHN W. FOWLER, Bar No. 037463
jfowler@be-law.com
MELINDA M. MORTON, Bar No. 209373
mmorton@be-law.com
BERGESON, LLP
303 Almaden Boulevard, Suite 500
San Jose, CA 95110-2712
Telephone: (408) 291-6200
Facsimile: (408) 297-6000

Attorneys for Plaintiff
VERIGY US, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation

Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California Corporation;
and SILICON TEST SOLUTIONS, LLC, a
California Limited Liability Corporation,
inclusive,

Defendants.

Case No.

**PLAINTIFF'S ADMINISTRATIVE
MOTION FOR LEAVE TO FILE
DOCUMENTS UNDER SEAL**

Complaint Filed:

Trial Date:

None Set

Pursuant to Civil Local Rules 7-11(a) and 79-5(b), Plaintiff Verigy U.S., Inc. (“Plaintiff” or “Verigy”) requests that the following materials be filed under seal, as they contain trade secrets and other confidential research, development, or commercial information, which is developed and maintained in a highly confidential fashion and gives Verigy an advantage over its competitors. Disclosure of this material “could result in improper use of the material for . . . infringement upon trade secrets,” and therefore Verigy respectfully requests that it be filed under seal. *Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995). The documents submitted under seal include:

1. Portions of Verigy’s *Ex Parte* Application for Temporary Restraining Order, Order to Show Cause re: Preliminary Injunction, and an Order Authorizing Expedited Discovery and Memorandum of Points and Authorities in Support;
2. Portions of the Declaration of Andrew N. Lee and Exhibits A and B;
3. Portions of the Declaration of Ken Hanh Duc Lai and Exhibits A, B, C, and D;
4. Portions of the Declaration of Ira Leventhal and Exhibits B and C;
5. Portions of the Declaration of Melinda M. Morton and Exhibits B and C; and
6. Portions of the Declaration of Robert Pochowski and Exhibits A, B, C, D, E, F, G, H, I, J, and K.

These materials (hereafter “the Materials”) each disclose information that has been designated as “Highly Confidential—Attorneys’ Eyes Only” (Documents 1-5) or “Confidential” (Document 6) by Verigy because they contain confidential, proprietary and trade secret information relating to Verigy’s design specifications, technical procurement processes; research regarding customer device requirements; block diagrams; product development and strategic plans, product strategy; forecasted business demand; actual product consumption; business processes and tools; product technology roadmaps; product features and performance; product architecture; product development schedules; qualification processes and results; contract manufacturer agreements and business relationship; inventions; provisional patent applications; and future manufacturing strategies (collectively, the “Trade Secrets”). These Materials are being

1 submitted at the same time as the Complaint in this Action, and there is not yet a stipulated
2 protective order in place. Verigy's confidentiality interest therefore overcomes the right of public
3 access to the record, as a substantial probability exists that Verigy's overriding confidentiality
4 interest will be prejudiced if the record is not sealed. Further, the proposed sealing is narrowly
5 tailored and no less restrictive means exist to achieve this overriding interest
6

7 Although the information in the Materials is submitted under seal, Verigy relies on this
8 information to show that its *ex parte* Application should be granted. Pursuant to Local Civil Rule
9 79-5(b)-(c), Defendants therefore lodge the Materials with this Court, and respectfully request
10 leave to file the aforementioned documents under seal to protect Verigy's Trade Secrets.

11 Respectfully submitted.

12 Dated: August 21, 2007

BERGESON, LLP

13
14 By: _____
15 Melinda M. Morton
16 Attorneys for Plaintiff
17 VERIGY US, INC.
18
19
20
21
22
23
24
25
26
27
28